

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

| | | |
|------------------------|---|-----------------------|
| RAYFORD BONNER, II, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. CIV-11-095-R |
| |) | |
| SHERIFF JOSEPH LESTER, |) | |
| |) | |
| Defendant. |) | |

ANSWER TO AMENDED COMPLAINT

Defendant Sheriff Joseph Lester, personally and in his official capacity, submits the following Answer to Plaintiff's Amended Complaint (Doc. 31) filed on August 16, 2011.

PARTIES & JURISDICTION

1. Defendant does not have sufficient information and knowledge to admit or deny the allegations contained in ¶ 1 of Plaintiff's Amended Complaint; therefore, denied.

2. Defendant admits the allegations contained in ¶ 2 of Plaintiff's Amended Complaint.

3. Defendant admits the allegations contained in ¶ 3 of Plaintiff's Amended Complaint.

4. Defendant admits the allegations contained in ¶ 4 of Plaintiff's Amended Complaint.

5. Defendant admits the allegations contained in ¶ 5 of Plaintiff's Amended Complaint.

6. Defendant admits the allegations contained in ¶ 6 of Plaintiff's Amended

Complaint.

BACKGROUND

7. Defendant incorporate the responses previously made in ¶¶ 1 through 6 as is set forth above.

8. Defendant denies the allegations contained in ¶ 8 of Plaintiff's Amended Complaint.

9. Defendant denies the allegations contained in ¶ 9 of Plaintiff's Amended Complaint.

10. Defendant denies the allegations contained in ¶ 10 of Plaintiff's Amended Complaint.

11. Defendant does not have sufficient information and knowledge to admit or deny the allegations contained in ¶ 11 of Plaintiff's Amended Complaint; therefore, denied.

12. Defendant denies the allegations contained in ¶ 12 of Plaintiff's Amended Complaint.

13. Defendant denies the allegations contained in ¶ 13 of Plaintiff's Amended Complaint.

14. Defendant denies the allegations contained in ¶ 14 of Plaintiff's Amended Complaint.

15. Defendant denies the allegations contained in ¶ 15 of Plaintiff's Amended Complaint.

16. Defendant denies the allegations contained in ¶ 16 of Plaintiff's Amended

Complaint in its entirety, including subparts (a)-(h).

17. Defendant denies the allegations contained in ¶ 17 of Plaintiff's Amended Complaint.

18. Defendant denies the allegations contained in ¶ 18 of Plaintiff's Amended Complaint.

CAUSE OF ACTION: 42 U.S.C. § 1983

19. Defendant incorporate the responses previously made in ¶¶ 1 through 18 as is set forth above.

20. Defendant denies the allegations contained in ¶ 20 of Plaintiff's Amended Complaint.

21. Defendant denies the allegations contained in ¶ 21 of Plaintiff's Amended Complaint.

22. Defendant denies the allegations contained in ¶ 22 of Plaintiff's Amended Complaint.

23. Defendant denies the allegations contained in ¶ 23 of Plaintiff's Amended Complaint.

REQUEST FOR RELIEF

24. Defendant denies the allegations contained in ¶ 24 of Plaintiff's Amended Complaint.

25. Defendant denies the allegations contained in ¶ 25 of Plaintiff's Amended Complaint.

26. Defendant denies the allegations contained in ¶ 26 of Plaintiff's Amended Complaint.

AFFIRMATIVE DEFENSES

1. Defendant's actions were objectively reasonable.

2. Defendant did not violate clearly established law.

3. Defendant, in his individual capacity, is entitled to qualified immunity.

4. Plaintiff has failed to state a claim of any kind against Defendant.

5. Plaintiff failed to exhaust his administrative remedies under the Prison Litigation Reform Act.

6. Plaintiff's claims are barred in whole or in part by the Prison Litigation Reform Act.

7. Defendant's actions or inactions were not the proximate cause of any alleged injuries or damages to Plaintiff.

8. Defendant denies the nature and extent of Plaintiff's alleged injuries and damages.

9. Defendant did not violate Plaintiff's constitutional or civil rights.

10. Any actions taken by Defendant were necessary under the circumstances existing at the time.

11. Plaintiff failed to mitigate his damages, if any.

12. Plaintiff's damages, if any, have been mitigated.

13. Plaintiff has failed to state a claim for punitive damages.

14. Plaintiff has failed to state a claim for injunctive damages.

Respectfully submitted,

/s/ Emily B. Fagan

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ATTORNEYS FOR DEFENDANT
SHERIFF JOSEPH LESTER

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2011, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrant:

Ryan J. Reaves
Mullins, Hirsch, Edwards, Heath,
White & Martinez, P.C.
100 Park Avenue, Suite 400
Oklahoma City, OK 73102

/s/ Emily B. Fagan

Emily B. Fagan